



Request for City Council Committee Action From the Department of Public Works

Date: January 29, 2013

To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

Subject: **University of Minnesota Trail Project, Phase III. - Authorization to enter into Agreement 02195 and amend Agreement 92693 with the Minnesota Department of Transportation.**

Recommendation:

Passage of a resolution authorizing the execution of Minnesota Department of Transportation Agreement Number 02195 and Amendment #2 to Agreement Number 92693 for the University of Minnesota Trail Project (City Project No 0400-9010943-CBIK06).

Previous Directives:

- Council Action (April, 1, 2011) Authorizing Amendment Number 1 of Minnesota Department of Transportation (MnDOT) Agreements Number 92905 and 92693 to include required language regarding the Federal Funding and Transparency Act (FFATA) and increase the estimated cost of reimbursement from Federal funds.
- Resolution 2007R-512 (August 8, 2008) Authorizing the execution of two inter-agency agreements with the Minnesota Department of Transportation (MnDOT) for Federal Participation in Design Engineering (Agreement No 92693) and for Federal Participation in Right-of-Way Engineering (Agreement No 92905) for the U of M Trail.
- Resolution 2004R-580 (December 13, 2004) Project adopted into the 2005-2009 Capital Program.

Prepared by: Paul W. Ogren, P.E., Superintendent of Environmental Engineering, 673-2456

Approved by:

Steven A. Kotke, P.E., City Engineer, Director of Public Works

Presenters: Paul W. Ogren, P.E., Superintendent of Environmental Engineering,
Department of Public Works, Transportation Planning & Engineering Division

Reviews

Permanent Review Committee (PRC):	Approval	NA	Date
Civil Rights Affirmative Action Plan	Approval	NA	Date
Policy Review Group (PRG):	Approval	NA	Date

Financial Impact

- ___ Action requires an appropriation increase to the Capital Budget
- ___ Action provides increased revenue for appropriation increase

Community Impact

Neighborhood Notification: Not Applicable
City Goals: The city's infrastructure will be well-maintained, people will feel safe in the city.
Comprehensive Plan: Not Applicable
Zoning Code: Not Applicable

Background/Supporting Information

Project Background

The University of Minnesota Trail, Phase III was conceived in the mid 1990s. Its original intent was to provide an off-road bicycle and pedestrian trail between downtown Minneapolis and the University of Minnesota's (U of M) Minneapolis & St. Paul campuses. The City of Minneapolis, after lengthy discussion and negotiations, was unable to obtain the necessary property from the Burlington Northern/Santa Fe Railroad (BNSF) to construct the original plan. The City's amended plan is to provide a shared two-way bike path from the east approach of Bridge #9 over the Mississippi to the approximate intersection of 18th Avenue Southeast and proposed shared facility. A two-way bike path continues from this intersection easterly to the northeast quadrant of 5th Street Southeast and Oak Street Southeast. The project will also provide additional path access at East River Road and a bicycle access at 17th Avenue Southeast and 5th Street Southeast. This entire project is being built on U of M property by way of a previously approved long-term license agreement. (see project location map)

In 2007, the City of Minneapolis sought and received Non-motorized Transportation Pilot (NTP) program funds for the U of M Trail. The NTP funds are eligible to be used for preliminary engineering, right of way engineering, right of way acquisition, construction costs, and construction engineering. On September 24, 2010, the City applied for and received additional NTP funding. Since right of way acquisition is not being pursued, a portion of the NTP funds have been de-authorized for this project.

Public Works and its contractor (Veit and Company, Inc.) have begun construction of this project. Currently, the project is in winter shut-down mode, but it is anticipated re-starting construction in the early portion of the spring, for a tentative opening of this facility near the end of June, 2013.

Funding

Project funding includes:

<u>2007 Federal NTP grant:</u>		
•	Right of Way (Final):	\$128,861.12
•	Preliminary Engineering (Final):	\$426,317.06
•	Construction Costs (low bid):	\$926,969.22
•	Construction Engineering:	\$101,682.94
•	Total Federal Funding:	\$1,583,830.34
•	Net Debt Bonds:	\$ 398,000
•	Sewer Revenue:	\$ 115,000
Additional Revenue provided by Council Action (October 8, 2010)		\$ 247,765.52
<u>Total Project Funding:</u>		<u>\$2,344,595.86</u>

Recommended Action

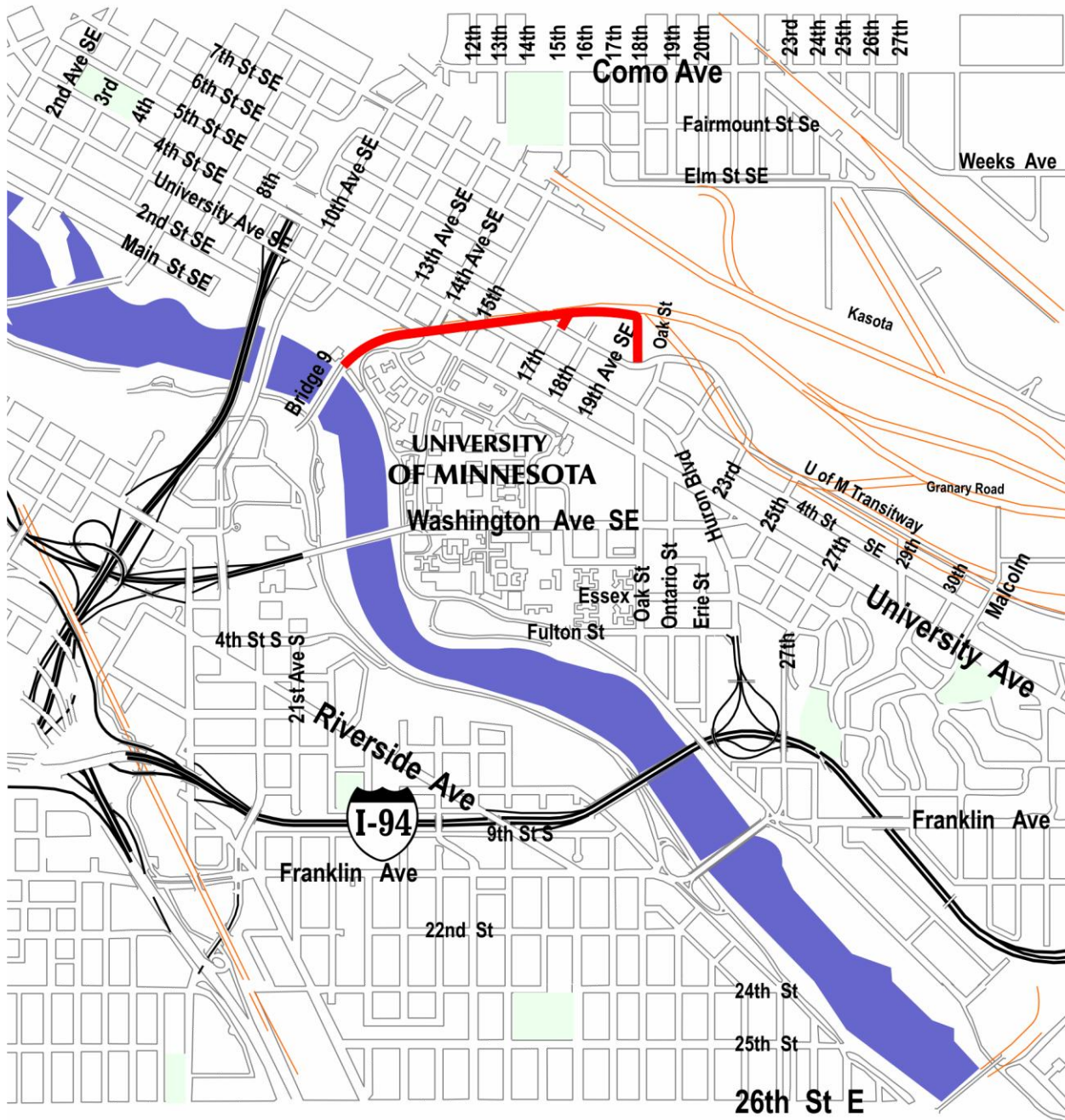
The first purpose of this action is to amend previously approved preliminary engineering Agreement 92693 to increase the federal funding contribution from \$295,000.000 to \$426,317.06. The second purpose of this action is to create a new agreement (02195) between MNDOT and the City of Minneapolis for \$101,682.94 for federal reimbursement of construction engineering costs. In both of these agreements the Commissioner of Transportation is appointed as an Agent of the City of Minneapolis to accept federal aid funds, which are made available for eligible transportation related projects, and subsequently reimburse the City for qualifying costs.

This Amendment #1 to Agreement #92693 and new Agreement #02195 have been reviewed by the City Attorney's Office and approved as to form.

Attachment: U of M Trail Project Location Map

cc: Council Member Cam Gordon, Ward 2
Heidi Hamilton
Don Elwood
Stephanie Malmberg
Will Shutte

U of M Trail



 Project

RESOLUTION 2013R-____

By Colvin Roy and Hodges

WHEREAS, construction of a shared bicycle path connecting downtown Minneapolis with the Minneapolis campus of the University of Minnesota ("University Trail") is a priority for the City of Minneapolis and its residents;

WHEREAS, the City has previously obtained funding for use in designing and constructing the University Trail, through a 2007 NTP grant along with City Net Debt Bonds, City Sewer Revenues, and City Revenues. ;

WHEREAS, City staff and counsel have negotiated a proposed non-exclusive, revocable license agreement ("Shared Path Agreement") with the University of Minnesota under which the City will be permitted to construct, maintain and operate the University Trail on University-owned property for a 50-year term;

WHEREAS, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MINNEAPOLIS:

The City of Minneapolis Director of Public Works and the City Contracting Officer is hereby authorized and directed for on behalf of the City to execute and enter into an agreement with the Commissioner of Transportation prescribed the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 02195" and Amendment 2 of Minnesota Department of Transportation Agency No. 92693", copies of which said agreement was before the City Council and which is make a part hereof by reference.

.